

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No.: 1:11CR0199-008
)	
MATILDA ANTWI)	
)	
Defendant)	

DEFENDANT'S POSITION WITH RESPECT TO PRESENTENCE REPORT

COMES NOW, Matilda Antwi, by counsel, and in respect to the Presentence Report filed by United States Probation Officer Carla G, Coopwood respectfully files the following position:

1. The Defendant, Matilda Antwi, respectfully agrees with the calculation of the guideline sentence as determined by the probation officer Ms. Carla G. Coopwood.
2. Unlike so many individuals who have come before this Court Ms. Antwi has not spent the better part of her life engaged in illegal or wasteful activities. Ms. Antwi emigrated to the United States on or about July 24, 2000. During her teenage years Ms. Antwi was gainfully employed at McDonalds and at Home Depot in the Alexandria region of Northern Virginia. Following this period she enrolled at Virginia State University from 2002 until 2007. While in college she worked at the Cracker Barrel Restaurant as a clerk.
Between 2007 and her incarceration she was employed as a substitute teacher in the Alexandria Public School System.
3. On September 4, 2010 Ms. Antwi was stopped and arrested at Kotoka International Airport in Accra, Ghana while in possession of the 1.2 kilograms of heroin that is the subject of this offense and to which Ms. Antwi has pled guilty. At the time of sentencing Ms. Antwi has already been incarcerated for approximately 19 months on this charge, either in Alexandria or in Ghana.

Ms. Antwi should receive the full credit for her incarceration regardless of the location of her incarceration. All of the time spent incarcerated has been for this offense and the subject contraband. The United States Government has decided that the contraband's possession in Ghana by Ms. Antwi constituted an offense against the United States for which she has been charged, extradited and is being sentenced for by this Court.

Under 18 U.S.C. § 3585 a defendant shall be given credit for toward her term of imprisonment for any time she has spent in official detention prior to the date the sentences commences.¹ Ms. Antwi should have her time of incarceration in Ghana credited to her time of imprisonment for this offense; or in setting her sentence it should be reduced sufficiently to take the prior time of incarceration into account.

4. Whether Ms. Antwi is given credited for her time of incarceration in Ghana on this charge by operation of law is not the definitive answer. The guideline calculation for this sentencing is not mandatory. *Booker*, 543 U.S. 220 (2005). Should the Court decide that it is not required that credit be given for time of incarceration spent abroad in foreign custody it is well within the discretionary purview of the Court to award it. The United States waited over a year before deciding to extradite Ms. Antwi for this offense. Ms. Antwi could have been brought here earlier as it had extradited others in this offense.

¹ **18 U.S.C. § 3585 — Calculation of a term of imprisonment**

(a) Commencement of Sentence. - A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

(b) Credit for Prior Custody. - A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences -

(1) as a result of the offense for which the sentence was imposed; or

(2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

5. Ms. Antwi has a guideline calculation of 46 to 57 months. Taking into account her prior incarceration of 19 months we respectfully request a sentence at the low end of the guideline range less the time already incarcerated and that the Court set her sentence at 27 months.

5 . The Defendant respectfully requests the Court to recommend an institution near Alexandria, Virginia where her family may visit her.

Respectfully submitted
MATILDA ANTWI
By Counsel

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Certificate of Service

I hereby certify that on March 6, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) to the following:

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